Remarks

Claims 1-21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Russo (US 5,619,247) in view of Christopoulos (US 2001/0047517).

The rejection is respectfully traversed and submitted to be inapplicable to the claims for the following reasons.

Claim 1 is patentable over the combination of Russo and Christopoulos, since claim 1 recites a contents distribution system including, in part, a reproduction control section operable to reset a flag when billing conditions contained in management data are satisfied in a situation where a content with a predetermined special effect to a portion of the content is being reproduced in accordance with specific data and to reproduce the content without the predetermined special effect to the portion of the content in accordance with the specific data.

Based on this recitation in claim 1, it is clear that the reproduction control section resets the flag when (1) in the situation where the content with the predetermined special effect to the portion of the content is being reproduced (i.e., condition 1), and (2) the billing conditions contained in the management data are satisfied (i.e., condition 2). The combination of Russo and Christopoulos fails to disclose or suggest this feature of claim 1.

Russo discloses a system in which one or more pay programs are stored at a user's side (i.e., subscriber's site) that includes a cable converter box 4 and a record/play controller 10. Regarding the payment, it can become due in one of two different ways depending on how the system is set up. In a first configuration, the payment becomes due once the majority of the program (i.e., some portion, but not the entire program) has been viewed. In a second configuration, the payment becomes due once the program is selected for viewing. (See column 3, line 46 - column 4, line 21; column 5, lines 1-32; and Figure 1).

Based on the above discussion, it is apparent that Russo discloses a system for providing and charging for pay programs. However, as admitted in the rejection, Russo fails to disclose or suggest the above-discussed feature of claim 1. As a result, Christopoulos is relied upon as disclosing this feature of claim 1.

Regarding Christopoulos, it discloses a network that performs transcoding of multimedia data. The network includes a server 110 including a multimedia storage 113, a gateway 120 including a transcoder 125, and a client 135. The multimedia storage 113 stores multimedia data and transcoding hints, which are used for reformatting the multimedia data. If the multimedia

data is a still image, the associated transcoder hints can be related to bit rate, resolution, image cropping and region of interest. When the client 135 requests the multimedia data from the server 110, the multimedia data can be reformatted by the transcoder 125 included in the gateway 135 based on the transcoding hints associated with the multimedia data and the capabilities of the client 135 prior to being forwarded to the client 135, so that the client 135 will be able to process the multimedia data. (See paragraph [0035] and [0036] and Figures 1 and 2).

In the "Response to Arguments" section of the outstanding Office Action, the assertion is made that the phrase "in a situation where a content with the predetermined special effect to the portion of the content is being reproduced" (i.e., condition (1) set forth above) relates to "real time" processing (i.e., a response speed of a process). However, this assertion is improper. Generally speaking, in the field of computers, "real time" is interpreted as meaning completing a particular process within a predetermined period of time, (i.e., a response speed of a process is fast). On the other hand, condition 1 is in actuality one of the requisite conditions for resetting the flag, and not related to the response speed of a process. Thus, it is unreasonable to assert that the condition 1 in claim 1 is "real time" as set forth in the Office Action.

Further, if it is assumed that "real time" in the "Response to Arguments" section means being able to perform a process quickly at any time, the process performed "at any time" would occur regardless of whether or not a content is being reproduced. Accordingly, in this case, "real time" is realized only when another requirement (i.e., in a situation where a content with the predetermined special effect to the portion of the content is not being reproduced) is satisfied in addition to condition 1. Thus, even if "real time" is interpreted as meaning being able to perform a process quickly at any time, it is still unreasonable to asset that condition 1 relates to "real time." Therefore, it is apparent that Christopoulos does not address the deficiencies of Russo as will be detailed below.

In the rejection, it is indicated that Christopoulos discloses monitoring the client/device conditions or status information in real time to be applied in real time during reproduction of the content and transcoding hints, based on the client/device status, state or conditions during reproduction of the content. However, Christopoulos actually discloses that the time at which the client/device conditions or status is monitored is before requesting multimedia-data from a server, or during an initialization process performed between the client/device and the transcoder. (See paragraph [0038]).

Accordingly, in the case where "real time" is interpreted as being able to perform a process quickly at any time, the above monitoring time is not "real time". Thus, when a content is being reproduced, Christopoulos does not apply transcoding hints in real time in accordance with the conditions or status of the client/device which is reproducing the content. As a result, the above assertion in the regarding the disclosure of Christopoulos is unreasonable.

As detailed above, claim 1 recites that the flag is reset when condition (1) and condition (2) are met. Further, the recitation of this feature is such that the flow (i.e., condition 1 → condition 2 → reset), allows a timing at which a user makes a payment to be after the viewing of a content. This eliminates the necessity for the user to make a payment before viewing the content, and results in a system that is convenient for the user.

On the other hand, in Christopoulos, a requirement of apply transcoding hints to multimedia-data (content-data) (see step 360 in Figure 3), which corresponding to the reset of the flag in claim 1, is that prior to a reproduction of a content (see step 370 in Figure 3), a transcoder receives the multimedia-data, the transcoding hints and a specific address from a server (see step 335 of Figure 3), or prior to the reproduction of a content (see step 370 in Figure 3), the transcoder receives the multimedia-data and the transcoding hints which are based on the capabilities of the client/device from the server (see steps 340, 350 in Figure 3). Therefore, it is apparent that Christopoulos does not disclose or suggest the claimed reproduction control section operable to reset a flag when billing conditions contained in management data are satisfied in a situation where a content with a predetermined special effect to a portion of the content is being reproduced in accordance with specific data and to reproduce the content without the predetermined special effect to the portion of the content in accordance with the specific data. As a result, claim 1 is patentable over the combination of Russo and Christopoulos.

As for claim 8, it is patentable over combination of Russo and Christopoulos for reasons similar to those discussed above in support of claim 1. That is, claim 8 recites, in part, resetting a flag when billing conditions contained in management data are satisfied in a situation where a content with a predetermined special effect to a portion of the content is being reproduced in accordance with specific data; and reproducing the content without the predetermined special effect to the portion of the content in accordance with the specific data, which features are not disclosed or suggested by the references.

4

As for claim 15, it is patentable over combination of Russo and Christopoulos for reasons similar to those discussed above in support of claim 1. That is, claim 15 recites, in part, a content management data setting section operable to set management data, wherein the management data contains a flag indicating whether or not to apply a predetermined special effect to a portion of a content during reproduction, and billing conditions which need to be satisfied in order to reproduce the portion of the content without the predetermined special effect, and wherein the flag contained in the transmitted management data is configured to be reset when the billing conditions contained in the transmitted management data are satisfied in a situation where the content with the predetermined special effect to the portion of the content is being reproduced in the terminal device, and the content without the predetermined special effect to the portion of the content is configured to be reproduced in the terminal device, which features are not disclosed or suggested by the references.
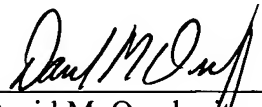
Because of the above-mentioned distinctions, it is believed clear that claims 1-21 are allowable over the references relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-21. Therefore, it is submitted that claims 1-21 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Yuko TSUSAKA et al.

By: _____

David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 29, 2008